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15 Attorneys for Plaintiffs

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN FRANCISCO DIVISION  
19

20 AUDLEY BARRINGTON LYON, JR., et al.,  
21 on behalf of themselves and all others similarly  
22 situated,

Plaintiffs,

23 v.

24 UNITED STATES IMMIGRATION AND  
CUSTOMS ENFORCEMENT, JOHN  
25 SANDWEG, et al.,  
26 Defendants.

Case No.: 13-cv-05878-EMC

**DECLARATION OF EDGAR  
CORNELIO IN SUPPORT OF  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION**

**Hearing:**

**Date: February 27, 2014**

**Time: 1:30 pm, Courtroom #5**

**Judge: Edward M. Chen**

1 I, Edgar Cornelio, declare as follows:

2 1. I make this declaration from my personal knowledge and, if called to testify to  
3 these facts, could and would do so competently.

4 2. I was born on August 11, 1977 in Guatemala and I have lived continuously in the  
5 United States since approximately 1995.

6 3. I was arrested by Immigrations and Customs Enforcement ("ICE") on or about  
7 September 17, 2013 and placed in immigration detention at the West County Detention Facility in  
8 Richmond, California, where I remain in detention while I continue to attempt to locate a lawyer  
9 to represent me in my deportation hearing.

10 4. Prior to being detained by ICE, I worked in construction and regularly sent money  
11 to Guatemala to support my mother, who suffers from osteoporosis.

12 5. I intend to defend myself against deportation by seeking asylum because I will be  
13 persecuted by gangs if I return to Guatemala. My hometown is dominated by drug trafficking  
14 gangs that extort payments from property owners. I own property in the town and I have fallen  
15 behind on the payments. The gangs have threatened and harmed my family.

16 6. I was previously represented by an immigration attorney, but the attorney  
17 withdrew from my case because I could not pay him.

18 7. While in detention, I attempted to locate an immigration attorney who could  
19 represent me without charge. The government gave me a list of free legal services providers, but  
20 when I tried to call the organizations on the list, most did not answer my calls. I believe this was  
21 because I was attempting to make collect calls. I do not have money to pay for phone calls  
22 myself, and there is no way to purchase a calling card or phone credit at the West County  
23 Detention Facility. A few of the organizations on the list answered my calls and spoke to me for  
24 a few seconds to inform me that they are not accepting new cases.

25 8. I appeared at master calendar hearings in the San Francisco Immigration Court on  
26 or around October 29, 2013; November 12, 2013; and December 3, 2013. Each time, I told the  
27 immigration judge I needed more time to find an attorney. I knew that I was extending my time  
28

1 in jail by requesting continuances, but I was willing to make that sacrifice because I know that  
2 legal representation is critical to my ability to present my case.

3 9. The immigration judge finally scheduled me for an individual hearing on my  
4 asylum claim on January 8, 2014. If I cannot find an attorney by that date, I will be forced to  
5 represent myself at the hearing.

6 10. My understanding is that there is no way for detainees to make international phone  
7 calls from the West County Detention Facility. I am unable to gather important information and  
8 evidence for my asylum claim. For example, my father was shot and injured in Guatemala in July  
9 2013. If I could speak to my family members in Guatemala, I would ask them how my father's  
10 health is faring and whether they have information about the perpetrators of the shooting and their  
11 motivations. This information could be vital to obtaining asylum, because it supports the fact that  
12 I have a well-founded fear of persecution if I am deported.

13 11. I believe it is wrong for ICE to detain me in a place where I cannot make telephone  
14 calls to locate an attorney and gather information and evidence that is critical to my hearing. I am  
15 fighting for the opportunity to remain in the United States, but I cannot obtain the assistance and  
16 information required to do so unless I can communicate with the outside world.

17 12. I would like to fight for the rights of all detained immigrants to have basic  
18 telephone access to the outside world, so they can locate and communicate with lawyers and  
19 gather evidence necessary to participate in their deportation proceedings. I intend to vigorously  
20 pursue the claims that have been made in the lawsuit on behalf of others who are in the same  
21 situation, and will participate in this litigation as my counsel and I determine is appropriate. I  
22 intend to remain involved with this case and represent the proposed class of detained immigrants  
23 if I am released from custody.

24 13. I have never served as a class representative in any prior action.  
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26  
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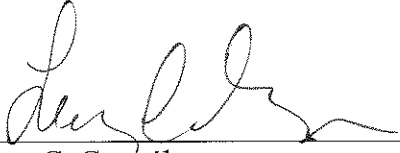
1           14. I declare under penalty of perjury that the foregoing is true and correct to the best  
2 of my knowledge. Executed on December 18, 2013, in Richmond, California.

3  
4  
5 

Edgar Cornelio

**CERTIFICATE OF TRANSLATION**

I, Luz C. González, affirm that I am competent to translate from English to Spanish and that I read the preceding statement to the declarant in Spanish and he understood the contents therein before signing.

  
Luz C. González

12/19/2013  
Date